

UNITED STATES DISTRICT COURT

MIDDLE GEORGIA

MACON, GEORGIA

FILED
U.S. DISTRICT COURT
MIDDLE GEORGIA

2009 JUN -8 AM 9:11

Jeannie L. Cosby

Plaintiff


DEPUTY CLERK

Civil Action No. _____

v.

5:09-CV-192

U.S. Marshal Service
Federal Bureau of Prisons

Defendants

CIVIL ACTION COMPLAINT FOR MEDICAL NEGLIGENCE AND
RECKLESS ENDANGERMENT

Comes now, plaintiff pro se, Jeannie L. Cosby, with a complaint charging medical negligence and reckless endangerment based on the following:

1. Plaintiff was indicted on May 3, 2007, charged with conspiracy to possess with intent to distribute cocaine base pursuant to U.S.C. 21 11846 and U.S.C. 21 11841 (A) (1).
2. Plaintiff was transported from the North Carolina Correctional Institute for Women (NCCIW) in Raleigh, N.C. where she was serving a state sentence of 15 months to the Court House in Asheville, North Carolina where she was served with the federal indictment. After which, plaintiff was taken to Burke County Detention Center to await trial.
3. Plaintiff, who suffers from diabetes, complained to medical staff that she was experiencing problems with her feet and asked to be diagnosed. It was discovered that plaintiff's left foot was broken and arrangements were made to do surgery to repair the injury. However, no diagnosis or treatment was administered for her right foot that had developed significant infection that went without treatment. Medical staff gave plaintiff antibiotic creme to put on her foot which, without proper diagnosis, simply made her condition worse. As plaintiff continued to complain of severe pain and difficulty walking, staff did nothing and said they had to wait on U.S. Marshals to authorize any further treatment. This never took place while being housed at Burke County, where plaintiff remained until sentencing on October 31, 2007.

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Re: Jeannie L. Cosby

4. After the sentencing hearing, plaintiff was transported to Ocilla Federal Holding Center to await designation to the Federal Bureau of Prisons where she was to begin serving her 168 month sentence. In route, being in excruciating pain, plaintiff repeatedly complained to the jailers about her right foot, however, to no avail.

5. Plaintiff arrived at Ocilla Federal Holding Center on November 1, 2007. Upon her arrival, she sought the assistance of medical personnel and tried to stress her need for immediate care for this undiagnosed condition that had clearly gotten out of hand. Her right foot was swollen, oozing puss and wreaked of an extremely foul odor. Antibiotic creme was applied as they explained that there was nothing they could do until authorization for outside care was received from the U.S. Marshal's office. Finally, on December 3, 2007, an appointment was scheduled for plaintiff to be seen by outside medical who still did not properly diagnose her condition. This lack of diagnosis and treatment went on for several months until plaintiff was transported back to NCCIW where she was to serve out the balance of her state sentence. It has here that plaintiff was sent out to be treated and diagnosed by professionals who identified her condition immediately as full blown gangrene.

6. Doctors scheduled plaintiff for emergency surgery where they planned to remove two (2) of her toes. The next day, however, she was informed that the other three (3) also had to be removed. After these 2 surgeries, doctors returned to say they had to take off another portion of her foot to "clean" up everything and make sure there was no more infection relative to her condition of gangrene. The result of the three surgeries left her with half a foot, as doctors explained that if proper diagnosis and treatment had been afforded her earlier on, she would not have had to loose half of her foot. However, gross negligence on the part of the U.S. Marshall Service and the Federal Bureau of Prisons has left her scarred and debilitated for life. She is clearly disfigured and cannot function without special treatment, which has not been taken into consideration during her post operative stay at the Carswell Medical Center where she is serving her federal sentence of 168 months. There has been no rehab to assist her in the day to day functions of walking, properly fitted shoes to accommodate her disfigurement have not been made available to her, nor any therapy for the emotional aspect of such a tragedy as loosing half of your foot.

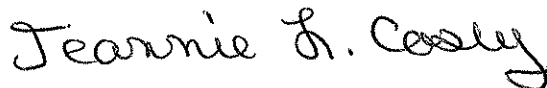
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Re: Jeannie L. Cosby

7. It is therefore gross negligence on the part of the U.S. Marshals and the Federal Bureau of Prisons for contributing to the excessive and insensitive delay that has left plaintiff both physically and emotionally crippled for life.

WHEREFORE, plaintiff prays that this honorable court will move to grant her relief from prison so she may seek the necessary rehabilitation needed to function after such a devastating loss. To date, plaintiff has received no rehab while in the Federal Bureau of Prisons, no fitted shoes or therapy to help her to cope with the unnecessary loss of her foot. In addition, plaintiff asks for compensatory damages in the amount of Ten Million Dollars (\$10,000,000) to facilitate the necessity of handicap accessibility with housing, medical costs, therapy, special needs and pain and suffering.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jeannie L. Cosby".

Jeannie L. Cosby
Reg. # 16689-058
FMC Carswell
P.O.Box 27137
Ft. Worth, TX 76127

Date: June 1, 2009

I hereby certify that a copy of the enclosed motion has been mailed
postage pre-paid through U.S. Postal Service on the 1st day of
June, 2009 to the following:

Clerk of the Court
U.S.District Clerk
475 Mulbery street
Suite 126
P.O. Box 128
Macon, GA 31202

Jeannie L. Cosby

Jeannie L. Cosby
Reg. # 16689-058
FMC Carswell
P.O. Box 27137
Ft. Worth, TX 76127

Name Seanníe Cosby
Reg. No. 16689-058
Federal Medical Center, Carswell
P.O. Box 27137
Ft. Worth, TX 76127

16689-058

Clerk of Court
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